



**NEW AMERICA**  
F O U N D A T I O N

November 25, 2013

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

***Via Electronic Filing***

**Re: Notice of *Ex Parte* Communications, WC Docket No. 13-184**

Dear Ms. Dortch:

On November 25, 2013, members of New America Foundation's Open Technology Institute and Education Policy Program (NAF) met with Christianna Barnhart, acting Legal Advisor to Federal Communications Commissioner Jessica Rosenworcel, to discuss the Commission's E-rate reform proceeding. Those present on behalf of New America Foundation included Senior Policy Counsel, Sarah Morris, and Policy Program Associate, Danielle Kehl, both of the Open Technology Institute; and Lindsey Tepe, Program Associate for the Education Policy Program.

At the meeting, NAF highlighted several of the key points from its initial<sup>1</sup> and reply comments<sup>2</sup> filed in the above-captioned docket, including the need for more robust fiber investment and the flexibility for schools and libraries to leverage the resulting capacity in new and innovative ways to promote connectivity both inside and outside institutional walls; improvements to ensure that the Commission adopts better and broader data collection practices; and policies that ensure greater parity in E-rate support for both traditional and nontraditional students.

With regard to increased fiber investment, NAF noted its support of calls to lift the current E-rate cap and ensure that the program is adequately funded. NAF also reiterated its support for the creation of an Upgrade Fund, as outlined by EducationSuperHighway, to facilitate widespread

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<sup>1</sup> Comments of New America Foundation's Open Technology Institute and Education Policy Program, WC Docket No. 13-184 (September 16, 2013) ("NAF Initial Comments").

<sup>2</sup> Reply Comments of New America Foundation's Open Technology Institute and Education Policy Program, WC Docket No. 13-184 (November 8, 2013) ("NAF Reply Comments").

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fiber investment.<sup>3</sup> Finally, it noted that if the Upgrade Fund were considered to be the “carrot” to encourage fiber investment, that a “stick” in the form of actual service requirements would help ensure that internet service providers (or, in some cases, communities themselves) actually take advantage of the dedicated infrastructure funding available. We clarified that these requirements are not meant to unduly burden schools and libraries, but rather to drive providers to invest in high-capacity networks that can support the new models of learning that schools and libraries have highlighted in this proceeding. Indeed, these requirements are designed to reflect the reality fiber connectivity is or will soon be a necessity in the world of digitally-driven learning.<sup>4</sup>

In addition, NAF articulated various ways that the Commission could improve its data collection processes within the E-rate program. For example, the Commission could quite easily modify its data collection processes to support integration of E-rate data with other datasets such as those maintained by the National Center for Education Statistics (NCES). In addition NAF urged the Commission to make as much of the data collected through the E-rate program as possible available to E-rate recipients and applicants, to researchers, and to the public more broadly. Finally, NAF highlighted the need for more pricing and service information to be available, and asked the Commission to collect this data from providers through the E-rate program.

Finally, NAF asked that the Commission review its support of “non-traditional” students across different states under the E-rate program. Use of current state definitions of elementary and secondary education have led to unequal treatment of learners in Head Start, pre-kindergarten, career and technical education, and juvenile justice programs across states. The FCC should seek to ensure students have the same access and opportunities for learning, regardless of the state in which they happen to reside.

While not discussed in today’s meeting, NAF also reiterates here its opposition to proposals for fixed allocations of E-rate funding, such as those for per-pupil or per-patron funding. NAF outlined in its initial comments<sup>5</sup> the problems that adopting one of these proposals might create, and noted the large amount of opposition to these funding schemes in its reply comments.<sup>6</sup>

NAF looks forward to continuing to work with Commissioner Rosenworcel’s office to improve the E-rate program’s ability to meet the connectivity needs of students today and tomorrow, to strengthen data collection process and allow for robust analyses of the program going forward, and to ensure that E-rate support is distributed to institutions in a fair and equitable way.

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<sup>3</sup> Comments of Education SuperHighway, WC Docket No. 13-184 (September 16, 2013) at 1, noting that the Commission should, “...create a one-time upgrade fund within the E-rate Program to connect every school and library to fiber and a ubiquitous internal Wi-Fi network.”

<sup>4</sup> *See, e.g.*, Reply Comments of Google, WC Docket No. 13-184 (November 8, 2013) at 6: “Indeed, while supported institutions should have flexibility to use the specific technologies that best meet their needs, only a short-term view would allow anyone to conclude that a school or library does not ‘need the bandwidth provided by connectivity.’” (Internal citations omitted).

<sup>5</sup> NAF Initial Comments at 28-30.

<sup>6</sup> NAF Reply Comments at 25-27.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced docket for inclusion in the public record.

Respectfully submitted,

/s/ Sarah Morris

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